

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

G. MATT JOHNSON and)	Civ.18-4108-RAL
LORA HUBBEL,)	
)	
Plaintiffs,)	
and)	DEFENDANT'S
)	MOTION TO DISMISS
TERRY LEE LaFLEUR,)	
)	
Intervenor Plaintiff,)	
)	
v.)	
)	
STEVE BARNETT, Secretary of State,)	
in his official capacity,)	
)	
Defendant.)	

Comes now Defendant, Steve Barnett in his official capacity, by and through the undersigned counsel, and submits this motion and accompanying brief. Defendant asserts that this matter should be dismissed pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction.

Dated this 15th day of February 2019.

/s/ Ann F. Mines Bailey
Ann F. Mines Bailey
Assistant Attorney General
1302 E. Hwy 14, Suite 1
Pierre, SD 57501-8501
Telephone: (605) 773-3215
Ann.MinesBailey@state.sd.us

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of February 2019, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Southern Division by using the CM/ECF system.

I further certify that some of the participants in the case are not CM/ECF users. I have mailed the foregoing document by First-Class mail, postage prepaid, to the following non-CM/ECF participants:

G. Matt Johnson
204 South 7th Avenue
Brandon, SD 57005

Lora Hubbel
4605 West Graceland Court
Sioux Falls, SD 57106

Terry Lee LaFleur
4601 East Clark Street, Apt. 8
Sioux Falls, SD 57110

/s/ Ann F. Mines Bailey
Ann F. Mines Bailey
Assistant Attorney General

usdc_afm G. Matt Johnson et al. v. Steve Barnett - Motion (mn)